

TELEFACSIMILE
FROM
PENNIE & EDMONDS LLP
1155 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036
Telephone: (212) 790-9090
Fax Nos: (212) 869-9741 and (212) 869-8864

TO: Examiner Robert M. Joynes
Group Art Unit 1615
United States Patent and Trademark Office
Washington, D.C. 20231

FAX RECEIVED

DEC 11 2002

GROUP 1600

FAX NO.: (703) 305-3592

DATE: December 10, 2002

FROM: F. Dominic Cerrito

PAGES: 2 (including cover page)

OUR REF.: 9463-014-999

Application of: Johnathan M. Bacon et al.

Group Art Unit: 1615

Serial No.: 09/728,840

Examiner: Robert M. Joynes

Filed: December 1, 2000

Attorney Docket No.: 9463-014-999

For: PROLAMIN-BASED SUSTAINED-RELEASE
COMPOSITIONS AND DELAYED-ONSET
COMPOSITIONS

Transmitted herewith please find a **REQUEST FOR CONTINUED
EXAMINATION (RCE) TRANSMITTAL.**

If you have any problems with your reception of this facsimile transmission,
please telephone Sammy G. Duncan, Jr. at (212) 790-2933.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile
transmission on December 10, 2002 to facsimile telephone number (703) 305-3592.

Sammy G. Duncan, Jr. 46,675
FOR F. DOMINIC CERRITO
F. Dominic Cerrito

38,100
(Reg. No.)

Best Available Copy

Approved for release through FOIA/EXEMPT. OMB 0651-0031
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|------------------|
| Express Mail No. | |
| Application Number | 09/728,840 |
| Filing Date | December 1, 2000 |
| First Named Inventor | Johnathan Bacon |
| Group Art Unit | 1615 |
| Examiner Name | Robert M. Joynes |
| Attorney Docket Number | 9463-014-899 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on October 15, 2002
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Pennie & Edmonds LLP Deposit Account No. 16-1150:
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 740.00
- ii. ☐ Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ _____ for a _____ month extension, the request for which is being made herewith
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---------------------------|-----------------------------------|----------|
| Name (Print/Type) | F. Dominic Cerrito | Registration No. (Attorney/Agent) | 38,100 |
| Signature | <i>F. Dominic Cerrito</i> | Date | 12/10/02 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or by facsimile transmitted to fax no. 1-703-305-3592 to the U.S. Patent and Trademark Office on the date indicated below.

| | | | |
|-------------------|---------------------------|-----------------------------------|----------|
| Name (Print/Type) | F. Dominic Cerrito | Registration No. (Attorney/Agent) | 38,100 |
| Signature | <i>F. Dominic Cerrito</i> | Date | 12/10/02 |

BURDEN-HOVC STATEMENT: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the burden-hour estimate should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND COMPLETED FORMS TO THE FOLLOWING address: Commissioner for Patents, Box RCE, Washington, DC 20231.

Best Available Copy

NY2 - 1377432.1

** TOTAL PAGE.02 **

12/10/02 TUE 15:36 [TX/RX NO 9891]